

REMARKS

Claims 10–17 are pending in this application. By this Amendment, the specification is amended, claims 1–9 are canceled, and claims 10–17 are added. Claims 16 and 17 are directed to non-elected subject matter. Support for the amendments to the claims may be found, for example, in the original claims. No new matter is added.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

I. Personal Interview

The courtesies extended to Applicants' representative by Examiners Salmon and Shukla at the interview held June 16, 2008 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

II. Objection to the Specification

The Office Action objects to the specification due to informalities. As set forth above, the specification is amended to remove the embedded hyperlink. Reconsideration and withdrawal of the objection are respectfully requested.

III. Claim Objections

The Office Action objects to claims 1–6 and 9 because they specifically recite non-elected subject matter. By this Amendment, the claims are amended to be limited to the elected subject matter. Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

IV. Rejection under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 1–6 and 9 as being indefinite under 35 U.S.C. §112, second paragraph. New claims 10–15 do not contain the phrase "it being understood." Furthermore, new independent claim 10 recites a step of "analyzing the expressions of the

target genes to determine whether the patient has a good or poor prognosis." Support for this step may be found, for example, in the specification at the paragraph beginning on page 19, line 16. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

V. Enablement Rejection under 35 U.S.C. §112, First Paragraph

The Office Action rejects claims 1–6 and 9 under the enablement requirement of 35 U.S.C. §112, first paragraph. By this Amendment, new claims 10-15 are directed to a method for determining a good or poor prognosis for a patient suffering from neuroblastoma. Furthermore, the claims require determination of the expression of each of the target genes and not just one target gene as previously required. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

VI. Rejection Under 35 U.S.C. §102

The Office Action rejects claims 1–6 and 9 under 35 U.S.C. §102(b) over Wang et al., Cancer Research, April 2003, vol. 63, p. 1631 ("Wang"). Applicants respectfully traverse the rejection.

New claims 10-15 are directed to a method for determining a good or poor prognosis for a patient suffering from neuroblastoma. Wang does not teach such a method. Although Wang discusses using an oligonucleotides array in finding the mean expression values of all 12,625 probe sets represented on the chip, Wang's disclosure is directed to the analysis of expression data for *ID2* and *MYCN*. Nowhere does Wang provide any disclosure relating to a method of determining a good or poor prognosis based on the expression levels of the combination of the nine target genes of claim 10.

For at least this reason, Wang does not anticipate claim 10. Claims 11–15 variously depend from claim 10 and, thus, also are not anticipated by Wang. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

VII. Rejoinder

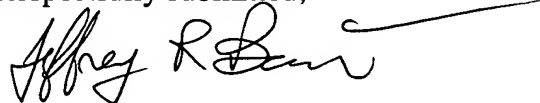
Applicants respectfully request rejoinder of claims 16 and 17. Claims 16 and 17, although requiring a larger combination of target genes than the elected combination of target genes, require in their combinations the elected combination as a subset. Therefore, if claim 10 is found allowable, then claims 16 and 17 should also be found allowable, as they require all the limitations of claim 10.

VIII. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: June 26, 2008

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